

Article 1: Public Improvement and Assessment Proceedings**Division 13: Utility Improvement Districts — Annexation by Petition**

*(“Utility Improvement Districts — Annexation by Petition”
added 1–20–1970 by O–10214 N.S.)*

§61.1301 Authorization: Contiguity of Parcels to be Annexed

Any portion of the City contiguous to an improvement district thereof may be annexed to such improvement district in the manner provided in this ordinance.
(“Authorization: Contiguity of Parcels to be Annexed” added 1–20–1970 by O–10214 N.S.)

§61.1302 Petition for Annexation: Form: Filing

Annexation proceedings may be initiated by petition. A petition, which may consist of any number of separate instruments, shall be filed with the City Clerk.
(“Petition for Annexation: Form: Filing” added 1–20–1970 by O–10214 N.S.)

§61.1303 Signatures Required

A petition shall be signed by the holders of title to at least sixty percent (60%) of the area of land in the portion proposed to be annexed to the improvement district, which land shall have an assessed valuation of not less than fifty percent (50%) of the land proposed to be annexed.
(“Signatures Required” added 1–20–1970 by O–10214 N.S.)

§61.1304 Contents of Petition: Description of Area: Map: Terms and Conditions: Prayer

The petition for annexation shall contain all of the following:

- (a) A description of the area proposed to be annexed to the improvement district with reference to such improvement district. Such description shall be made by reference to a map on file with the City Clerk, which map shall govern for all details as to the extent of the area proposed to be annexed.
- (b) The terms and conditions upon which petitioners wish the proposed area to be annexed.

- (c) A prayer that the Council declare such area to be annexed to the improvement district.

(“Contents of Petition: Description of Area: Map: Terms and Conditions: Prayer” added 1–20–1970 by O–10214 N.S.)

§61.1305 Reimbursement of City for Expenses: Check Accompanying Petition

The petition for annexation shall be accompanied by a certified check payable to the order of the City Treasurer in such amount as may be estimated by the City Clerk as being sufficient to reimburse the City for the expenses of processing and publishing the petition and preparing and making the filings required by law.

(“Reimbursement of City for Expenses: Check Accompanying Petition” added 1–20–1970 by O–10214 N.S.)

§61.1306 Examination of Petition

Within twenty (20) days of the date of the filing of the petition for annexation, the City Clerk shall examine the petition and determine whether it is signed by the required number of holders of title.

(“Examination of Petition” added 1–20–1970 by O–10214 N.S.)

§61.1307 Certificate of Result of Examination

When the City Clerk has completed his examination of the petition for annexation, he shall attach to it his certificate, properly dated, showing the result of such examination.

(“Certificate of Result of Examination” added 1–20–1970 by O–10214 N.S.)

§61.1308 Certificates of Sufficiency and Insufficiency

If the City Clerk finds from the examination that the petition for annexation is signed by the requisite number of holders of title, he shall certify that the petition is sufficient and shall present the petition to the Council for preliminary approval. If he finds it is not so signed, he shall certify that the petition is insufficient.

(“Certificates of Sufficiency and Insufficiency” added 1–20–1970 by O–10214 N.S.)

§61.1309 Certificate of Insufficiency: Supplemental Petitions

If the City Clerk certifies in his certificate that the petition for annexation is insufficient, the petition may be amended by filing a supplemental petition or petitions within ten (10) days of the date of such certificate.

(“Certificate of Insufficiency: Supplemental Petitions” added 1–20–1970 by O–10214 N.S.)

§61.1310 Examination of Supplemental Petitions: Certificates

Within twenty (20) days after the filing of any supplemental petition or petitions, the City Clerk shall examine them and certify to the result of such examination as provided in Sections 61.1306 to 61.1308, inclusive. If the City Clerk certifies that the petition, together with the supplemental petition, or petitions, as the case may be, is sufficient, he shall present same to the Council for preliminary approval.

(“Examination of Supplemental Petitions: Certificates” added 1–20–1970 by O–10214 N.S.)

§61.1311 Notice of Hearing on Petition: Publication: Posting: Mailing

After the Council has given its preliminary approval by resolution to the petition, together with such supplemental petition or petitions as have been filed, if any, the City Clerk shall cause the publication, posting and mailing as provided in sections 61.1312 to 61.1315, inclusive, be accomplished without delay.

(“Notice of Hearing on Petition: Publication: Posting: Mailing” added 1–20–1970 by O–10214 N.S.)

§61.1312 Publication of Petition for Annexation: Notice of Time and Place of Meeting

The text of the petition for annexation shall be published once at least ten (10) days prior to the time at which it is to be presented to the Council, in the City Official Newspaper, together with a notice setting the time and place of the meeting at which the petition will be presented. If the petition is contained upon one or more instruments, only one copy of the petition need be published.

(“Publication of Petition for Annexation: Notice of Time and Place of Meeting” added 1–20–1970 by O–10214 N.S.)

§61.1313 Publication of Signatures

No more than five (5) of the names attached to the petition for annexation need appear in the publication of the petition and notice, but the number of signers shall be stated.

(“Publication of Signatures” added 1–20–1970 by O–10214 N.S.)

§61.1314 Posting of Petition and Notice

The petition and notice shall also be posted in three (3) public places in the improvement district and three (3) public places in the area proposed to be annexed at least fifteen (15) days prior to the hearing.

(“Posting of Petition and Notice” added 1–20–1970 by O–10214 N.S.)

§61.1315 Mailing of Petition and Notice

The petition and notice shall also be mailed at least fifteen (15) days prior to the hearing to each holder of title to land within the improvement district and within the area proposed to be annexed thereto as such ownership is shown on the last equalized county assessment roll.

(“Mailing of Petition and Notice” added 1–20–1970 by O–10214 N.S.)

§61.1316 Hearing on Petition: Who May Appear: Continuance

The Council shall proceed to hear the petition at the time and place fixed therefor, and any interested person may appear and be heard at such hearing. The hearing may be continued from time to time by the Council.

(“Hearing on Petition: Who May Appear: Continuance” added 1–20–1970 by O–10214 N.S.)

§61.1317 Determination of Benefits: Resolution Approving Annexation: Contents of Resolution

At the conclusion of the hearing, if the Council finds and determines from the evidence presented at the hearing that the area proposed to be annexed to the improvement district involved will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the Council may by resolution approve the annexation and the terms and conditions thereof.

The resolution shall describe the annexed territory, which shall be made by reference

to a map on file with the City Clerk, which map shall govern for all details as to the extent of the annexed area.

(“Determination of Benefits: Resolution Approving Annexation: Contents of Resolution” added 1–20–1970 by O–10214 N.S.)

§61.1318 Disapproval of Annexation Resolution for Determination of No Benefit

If the Council finds and determines that the area proposed to be annexed to the improvement district will not be benefited thereby and will be injured thereby, the Council shall by resolution disapprove the annexation.

(“Disapproval of Annexation Resolution for Determination of No Benefit” added 1–20–1970 by O–10214 N.S.)

§61.1319 Effective Date of Annexation

On and after the date the Council adopts the resolution approving the annexation, the area named therein is added to and forms a part of the improvement district.

(“Effective Date of Annexation” added 1–20–1970 by O–10214 N.S.)

§61.1320 Taxability of Annexed Area: Liability for Outstanding Debt

The land in the annexed area shall be subject to taxation after the annexation thereof for all purposes of the improvement district, including, without limitation, compliance with the terms and conditions of annexation and for the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation as if the annexed area had always been a part of the improvement district.

(“Taxability of Annexed Area: Liability for Outstanding Debt” added 1–20–1970 by O–10214 N.S.)

§61.1321 Enforcement of Terms and Conditions of Annexation

The Council may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

(“Enforcement of Terms and Conditions of Annexation” added 1–20–1970 by O–10214 N.S.)